



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

June 3, 2019

BY ECF

The Honorable Cathy Seibel
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Paul Franco, 09 Cr. 849 (CS)

Dear Judge Seibel:

Pursuant to this Court's order dated April 1, 2019, the Government writes to provide an update as to the proceedings regarding Paul Franco that are ongoing before the Honorable Loretta A. Preska and to request an adjournment of the conference currently scheduled for June 11, 2019 to a date after June 20, 2019.

As your Honor is aware, a parallel matter, *United States v. Franco*, 16 Cr. 27 (LAP), is on remand from the Second Circuit that will require Judge Preska to address the appropriateness of the same conditions of supervised release which are at issue in the above-referenced case. At the time of the April 1, 2019 status conference, Judge Preska was scheduled to resentence the defendant on May 1, 2019. That resentencing has since been rescheduled to June 20, 2019. The defendant filed a resentencing submission on May 8, 2019; the Government has not yet done so.

The Government therefore respectfully requests that the Court adjourn the conference currently scheduled for June 10, 2019 to a date following Judge Preska's resentencing of the defendant on June 20, 2019. Because the resentencing proceedings before Judge Preska are expected to resolve most, if not all, of the issues in dispute here, the Government anticipates that the requested adjournment will allow the parties and this Court to avoid engaging in unnecessary, duplicative proceedings. The additional time is also necessary for the Government to prepare its sentencing submission.

We have conferred with defense counsel James Neuman, who now represents the defendant in the proceedings both before Judge Preska and this Court, and who joins in this request.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

by: /s/ Emily Deininger
Emily Deininger
Assistant United States Attorney
(914) 993-1928

cc: *James Neuman, Esq. (via ECF)*

The conference previously set for 6/11/19 (see Doc. 34 (adjourning proceeding from 6/10/19 to 6/11/19)) is adjourned to 7/1/19 at 2 pm. The parties should send a status letter, including an update on what occurred before Judge Preska, no later than 6/26/19.

The Government is directed to convey a copy of this endorsement to Mr. Neuman, who is directed to file a Notice of Appearance in this case.

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

6/3/19